

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3941 of 2022

Chhotu @ Ramakanta Rout

Petitioner
M/s. D.K.Sahoo, Advocate

-versus-

State of Orissa & another

Opp. Parties
M/s.P.K.Patnaik, AGA

CORAM:

JUSTICE G. SATAPATHY

ORDER

13.12.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This is an application U/S. 439 of Cr.P.C. by the Petitioner for grant of bail in connection with Jamboo Marine P.S. Case No.32 of 2022 corresponding to G.R. Case No.14 of 2022 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Kendrapara for commission of offence punishable U/Ss. 450/376(3)/506 of the I.P.C. and Section 4 of POCSO Act and U/Ss. 3(1)(r)(w-i)/3(2)(v)(va) of SC & ST(PA) Act on the allegation of committing rape and aggravated penetrative sexual assault upon the victim by trespassing into her house after taking advantage of the absence of the parents of the victim belonging to S.C. community.
 3. In the course of hearing of the bail application, Mr.D.K.Sahoo, learned counsel for the petitioner forcefully submits that all the allegations levelled against the petitioner are not only false and frivolous but also motivated on account of some political rivalry

relating to election and the petitioner having detained in custody for more than ten months, thereby, his personal liberty has been seriously affected. It is also submitted that immediate after the alleged occurrence, the victim was medically examined but no injury was found on her person and thereby, it negates the commission of crime against the victim. It is further submitted that although the petitioner has been shown to have four criminal antecedents to his credit but in one out of such cases, the petitioner has already been acquitted and rest of the cases are not serious in nature and thereby, it would not stand on the way to grant bail to the petitioner. On the aforesaid submissions, learned counsel for the petitioner prays to enlarge the petitioner on bail.

4. On the contrary, Mr.P.K.Patnaik, learned counsel for the State by taking through the allegations on record submits that the petitioner is the perpetrator of the crime and he should not be enlarged on bail.

5. Considering the rival submissions made, taking into consideration the nature and gravity of accusations raised against the petitioner as also the gravity of offence alleged and further taking into account the specific allegations raised against the petitioner for committing rape upon the victim stated to be aged about 14 years and taking into account the other circumstance on record in entirety and keeping in view one of the criminal antecedent of the petitioner to be for an offence against woman, this Court does not find any reason to grant bail to the petitioner.

Hence, the bail application of the petitioner stands rejected. The petitioner is at liberty to renew his prayer for bail after examination of the victim as requested by learned counsel for the

petitioner.

6. Accordingly, the BLAPL stands disposed of.

7. Urgent certified copy of the order be granted on proper application.

(G. Satapathy)
Judge

Kishore

